

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

SCHEDULING ORDER

04-CR-6040L

V.

DONALD PARNELL,

Defendant.

By decision filed October 7, 2005, the United States Court of Appeals for the Second Circuit has directed the Court to construe the untimely notice of appeal as a motion for an extension of time within which to file a notice of appeal. To assist the Court, defendant is directed to file a supporting affidavit and memorandum of law in support of the motion by November 23, 2005. The Government is directed to respond, if it intends to do so, by December 6, 2005. The Court will consider the motion submitted at that time, without argument, unless you are advised to the contrary.

IT IS SO ORDERED.



DAVID G. LARIMER
UNITED STATES DISTRICT JUDGE

Dated: Rochester, New York
November 7, 2005.